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# ***Public Utilities Commission of the State of California***

*Wesley M. Franklin, Executive Director*

*Headquarters*

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San Francisco, CA 94102  
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*Calendar Archive:* [http://www.cpuc.ca.gov/daily\\_calendar\\_archive/](http://www.cpuc.ca.gov/daily_calendar_archive/)

## **Daily Calendar Friday, February 7, 2003**

- Regular Commission Meetings
- Notices
- Subscription Information (Daily Calendar and Agenda)
- Commissioner Office Hours
- Public Meetings and Workshops
- Notice of Draft Resolutions (PU Code § 311(g))
- New Filings
- Petitions for Modification and Applications for Rehearing
- Draft Decisions/Proposed Decisions/Alternates/Presiding Officer's Decisions/  
Arbitrator's Reports
- Advice Letter Filings
- Miscellaneous Transportation Items
- Miscellaneous Telecommunication Matters
- Adjournments/Resettings/Hearings Concluded
- Removals from Calendar
- New Settings
- Law and Motion Hearings
- Final Oral Argument
- Hearings
- Notice of Denial of Request for Ex Parte Meeting
- Notice of All-Party Meetings (PU Code §1701.3(c))
- Notice of Ex Parte Communications



The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. Please see the *Notice to People With Disabilities* section on page two of this Daily Calendar for further information.

### REGULAR COMMISSION BUSINESS MEETINGS

February 13, 2003	10 am	San Francisco
February 27, 2003	10 am	San Francisco
March 13, 2003	10 am	San Francisco

### COMMISSION RATESETTING DELIBERATIVE MEETINGS

(Not Open to the Public)

*Ratesetting Deliberative Meeting dates are reserved as noted but will only be held if there are ratesetting matters to be considered.*

February 10, 2003	1:30 pm	San Francisco
February 21, 2003	11:00 am	San Francisco
March 10, 2003	1:30 pm	San Francisco

### NOTICE TO PEOPLE WITH DISABILITIES

The CPUC encourages all Californians to participate in its meetings, hearings, workshops, and proceedings. We try to hold our public meetings only in places that are wheelchair accessible and which can accommodate specialized equipment and other services useful to people with disabilities. Please see the notice of the meeting you wish to attend for more specifics.

If you plan to attend and need specialized accommodations for a particular meeting that are not listed in the notice, request them from the Public Advisor's Office at least three business days in advance of the meeting. Contact the Public Advisor's Office by any one of the following:

- e-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)  
toll-free: 1-866-849-8390  
Voice: 415-703-2074  
FAX: 415-355-5404 (Attn.: Public Advisor)  
TTY: 1-866-836-7825 (toll-free)  
1-415-703-5282

### NOTICES

#### **Delivery of Formal Pleadings for Filing**

Unless otherwise directed, all courier-delivered documents submitted for filing as part of the formal record in a proceeding should be hand-carried directly to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue in San Francisco; Suite 500, 320 West 4<sup>th</sup> Street in Los Angeles; or Room 4006, 1350 Front Street in San Diego. All documents sent through the mail for formal filing should be addressed ONLY to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue, San Francisco, CA 94102.

**Charge for Commission Documents**

To purchase Commission documents, there is a charge of 20 cents a printed page (postage prepaid) with a minimum purchase of \$2.00.

**Commission Resources Available for Rental**

The auditorium, hearing rooms and training room at the headquarters of the California Public Utilities Commission, located at 505 Van Ness Avenue, San Francisco, are available for rent. Further information about requirements and fees can be obtained by contacting Colette Kondo at (415) 703-1401.

**SUBSCRIPTION INFORMATION**

**Subscription Notice for Draft Agenda Items**

In compliance with Public Utilities Code Section 311.5, parties who wish to subscribe to receive draft agenda items may do so by writing to the Public Utilities Commission; Attention: Poly Arca, Room 1003, 505 Van Ness Avenue, San Francisco, CA 94102, or by calling (415) 703-1798. The cost for a one-year subscription to the entire public agenda package (which excludes Executive Session materials) is \$1,000. You may also order a partial agenda package (energy agenda items only or telecommunication agenda items only) at the cost of \$500 per year. The package you receive via mail will include only those agenda items available at the time of the agenda distribution date, which is usually 10 to 12 days prior to the Commission meeting. If agenda items (including revisions) are not ready on the distribution date, they will be made available at no charge in the lobby outside the Commission Auditorium at 9:00 a.m. on the morning of the Commission meeting, but not earlier.

In addition, the Commission will make draft agenda items available for viewing and photocopying (at 20 cents per page) at the Commission's Central Files Office (Room 2002), 505 Van Ness Avenue, San Francisco, and in the Los Angeles, San Diego, and Sacramento field offices. Since the agenda package will be mailed to these locations, it will be available at these locations a day or two after the distribution date. These locations will not receive agenda items that are not ready on the distribution date.

If an agenda item is held over to a subsequent Commission meeting, that agenda item and any revisions to that agenda item that were available on the morning of the initial Commission meeting (as well as any further available revisions) will be mailed in the Escutia package for the subsequent Commission meeting; the item and its revisions will also be available for viewing and photocopying in the Commission's Central Files Office and field offices as set forth above.

Intervenors who have a financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.

The cost to receive the agenda only, without copies of draft agenda items, remains at \$75 per year.

**Subscription Notice for Daily Calendar and/or Agenda**

Parties who wish to subscribe to the Daily Calendar and/or the Agenda may do so by writing to the Public Utilities Commission; Attention: Poly Arca, Room 1003, 505 Van

Ness Avenue, San Francisco, CA 94102, or by calling (415) 703-1798. The subscription cost for the Daily Calendar is \$225 per year. The Biweekly Daily Calendar is \$50 per year. The Agenda is \$75 per year. Checks are to be made payable to the Public Utilities Commission.

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### COMMISSIONER OFFICE HOURS

NONE

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### PUBLIC MEETING & WORKSHOPS

#### **Public Meeting Notice**

*February 11, 2003  
Lottery begins at 1:30 pm*

*California Public Utilities Commission  
505 Van Ness Avenue, Room 3212  
San Francisco*

### **LOTTERY FOR TELEPHONE NUMBER PREFIX ASSIGNMENTS IN THE 209, 310, 323, 408, 415, 510, 530, 559, 619, 650, 707, 714, 760, 805, 818, 909, 916, 925 AND 949 NUMBERING PLAN AREAS**

The Telecommunications Division of the California Public Utilities Commission will be conducting a lottery to determine allocations of central office codes (NXXs) in the 209, 310, 323, 408, 415, 510, 530, 559, 619, 650, 707, 714, 760, 805, 818, 909, 916, 925 and 949 area codes pursuant to the provisions of D.96-09-087. Applications should be submitted to the California Code Administrator prior to the close of business on February 4, 2003. All companies applying for central office codes must have their NRUF data on file with the California Code Administrator. For information on the NRUF filing, call (925) 363-8736. For information on the lottery process, call (415) 703-5953. If specialized accommodations for the disabled are needed, call the Public Advisor at (415) 703-2032 five working days in advance of the event. Companies, who wish to have a sealed envelope prepared for them on an ongoing basis containing their confidential letter designations for each NPA lottery drawing, should submit such a request in writing. Requests should be submitted prior to the close of business on February 10, 2003 to: Michaela Pangilinan, Telecommunications Division, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

#### **Public Meeting Notice – Workshops on Electric Procurement Incentive Mechanisms (R01-10-024)**

*February 11, 2003  
10 am – 4 pm*

*State Building  
455 Golden Gate Avenue, Meeting Rooms 5 and 6*

<i>and</i>  <i>February 14, 2003</i> <i>10 am – 4 pm</i>	<i>San Francisco</i>
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Ordering Paragraph 7 of Decision 02-10-062 directs SDG&E to sponsor, in coordination with the other utilities, an all-party workshop to develop an incentive mechanism proposal for utility electric procurement. If consensus is not reached, SDG&E is to file a workshop report containing areas of agreement and disagreement by February 15, 2003, for the Commission's further consideration.

SDG&E is developing an incentive mechanism proposal that it plans to present for discussion among the parties at the workshop.

SDG&E has scheduled two days of workshops in San Francisco, on February 11 and February 14. If consensus is reached on February 11, or for some other reason the parties conclude that the second date is not needed, it can be cancelled.

**Public Meeting Notice – Deaf and Disabled Telecommunications Program**

<i>Deaf and Disabled Telecommunications Program</i> <i>Equipment Program Advisory Committee</i> <i>February 13, 2003</i> <i>10 am – 4 pm</i>	<i>DDTP Office</i> <i>505 14<sup>th</sup> Street, Suite 400</i> <i>Oakland</i>
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The Equipment Program Advisory Committee of the Deaf and Disabled Telecommunications Program will hold a meeting to address the following:

**Public Meeting Agenda**

I.) Administrative Business, A.) Agenda Modification and Approval, B.) Review of Minutes from the Previous Meeting, C.) Review of Action List Items, D.) Report from the Chair,  
E.) Executive Director's Report, F.) DDTP Staff Reports, II.) Public Input, III.) Equipment Program Manager's, IV.) Equipment Update, V.) Elections, VI.) Transition Update, VII.) Volunteer Representative to CRSAC, VIII.) Volunteer Representative to DDTPAC, IX.) Other Business, A.) Member Reports, B.) Review of consumer contact logs, C.) Requests for invention, D.) Suggested items for next month's agenda, and E.) Future meetings.

**EPAC Meeting Information**

For more information, please contact Katy Franco at (510) 302-1100 voice or (510) 302-1101 TTY.

**Environmental Notice**

People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

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**NOTICE OF DRAFT RESOLUTIONS**  
**(Pursuant to PU Code § 311(g))**

**Draft Resolution Increasing Household Goods Carrier Maximum Rates Available**

A draft resolution (TL-19020) of the Consumer Protection and Safety Division that increases the household goods carrier maximum rates contained in Maximum Rate Tariff 4 will be on the February 27, 2003 Commission meeting agenda. It is now available for public review and comment. For details on how to obtain a copy of the draft and file comments on it, refer to the notice that was published on this matter in the January 28, 2003 Daily Calendar. It is available through the Daily Calendar Archives on the Commission's web site:

<http://www.cpuc.ca.gov/cyberdocs/Libraries/WEBPUB/Common/agSearchDsp.asp>

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**NEW FILINGS**

2/4/03	C03-02-003	Oakland Unified School District vs. TCG San Francisco and AT&T Communications of California for unlawful charges for Centrex Services.
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**PETITIONS FOR MODIFICATION AND APPLICATIONS FOR REHEARING**

NONE

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**DRAFT DECISIONS \* PROPOSED DECISIONS \* ALTERNATES \* PRESIDING  
OFFICER'S DECISION \* ARBITRATOR'S REPORTS**

NONE

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**ADVICE LETTER FILINGS**

NONE

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**MISCELLANEOUS TRANSPORTATION ITEMS**

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**Filings with Consumer Protection and Safety Division**

NONE

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**MISCELLANEOUS TELECOMMUNICATION MATTERS**

NONE

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**TABLE OF SUBMISSION DATES FOR THE PRECEDING TWO WEEKS**

1/31/03	A.02-05-033	Walker - In the Matter of the Application of Suburban Water Systems (U 339-W) for authority to increase rates: In 2003 \$9,919,002, or 27.2% above the revenues generated by present rates, in 2004 \$1,447,692 or 3.1% above the revenue generated by the rates proposed for 2003, in 2005 \$1,597,008 or 3.3% above the 2004 revenue requirements.
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**ADJOURNMENTS \* RESETTINGS \* HEARINGS CONCLUDED**

R.02-01-011	Pulsifer - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060, <b>Workshop held and concluded</b>
A.02-10-040	Halligan - In the Matter of the Application of San Diego Gas and Electric Company to Modify and Extend Permanent Gas Procurement Performance-Based Rate Making Mechanism, <b>Prehearing Conference held and concluded</b>
C.02-07-020	Simon - City Of Delano, Complainant, vs. Union Pacific Railroad Company, Defendant, <b>TELEPHONIC Prehearing Conference held and concluded</b>

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I.02-11-008	Bemesderfer - Order Instituting Investigation into Statements By SBC Communications and SBC Pacific Bell Regarding Potential Reductions to Service Quality, <b>Prehearing Conference originally set for February 14 reset to February 18</b>
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**REMOVALS FROM CALENDAR**

**NONE**

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**NEW SETTINGS**

2/10/03 ALJ Thomas Comr Lynch	10:00 a.m. I.02-11-040	<b>(LM)</b> - Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001, <b>Commission Courtroom, San Francisco</b>
2/25/03 ALJ O'Donnell Comr Kennedy	10:00 a.m. A.01-03-026	<b>(PHC)</b> - In the Matter of the Application of PacifiCorp (U-901-E) for an Order Authorizing an Immediate Interim Rate Increase, Subject to Refund and for Consideration of a Rate Stabilization Plan, <b>Commission Courtroom, San Francisco</b>

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**LAW AND MOTION**

Law and Motion Hearings are held before **Administrative Law Judge Sarah R. Thomas** at 10:00 a.m. in one of the Commission's San Francisco Office Hearing Rooms, unless otherwise noted. Law and Motion procedures are governed by Resolution ALJ 164. Copies of Resolution ALJ 164 are available from the Commission's Documents Desk (415) 703-1713 or from Central Files (415) 703-2045.



2/10/03	10:00 a.m.	<b>(LM)</b> - Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001, <b>Commission Courtroom, San Francisco</b>
ALJ Thomas	I.02-11-040	
Comr Lynch		
2/17/03	10:00 a.m.	NONE SCHEDULED
2/24/03	10:00 a.m.	NONE SCHEDULED

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**FINAL ORAL ARGUMENTS (FOA)****NONE**

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**HEARINGS**

Dates in parentheses following the word “also” are subject to change without notice. The assigned Commissioner’s name is listed next to the proceedings as matter of record; the assigned Commissioner may not be present at the hearing.

<b>(PHC)</b> = <i>Prehearing Conference</i>	<b>(WS)</b> = <i>Workshop</i>
<b>(EH)</b> = <i>Evidentiary Hearing</i>	<b>(FPH)</b> = <i>Full Panel Hearing</i>
<b>(PPH)</b> = <i>Public Participation Hearing</i>	<b>(AH)</b> = <i>Arbitration Hearing</i>
<b>(IAM)</b> = <i>Initial Arbitration Meeting</i>	<b>(CA)</b> = <i>Closing Argument</i>
<b>(M)</b> = <i>Mediation</i>	<b>(LM)</b> = <i>Law &amp; Motion</i>
<b>(ECP)</b> = <i>Expedited Complaint Procedure</i>	<b>(OA)</b> = <i>Oral Argument</i>
<b>(OSC)</b> = <i>Order to Show Cause</i>	

2/7/03	9:30 a.m.	<b>(WS – Working Group 1)</b> - Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing, <b>Commission Courtroom, San Francisco</b>
ALJ Carew	R.02-06-001	
Comr Peevey		
2/7/03	10:00 a.m.	<b>(PHC)</b> - Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G), and
ALJ Long	A.02-12-027	
Comr Wood		

	A.02-12-028	<b>(PHC)</b> - Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M), <b>Commission Courtroom, San Francisco</b>
2/7/03 ALJ Reed Comr Wood	10:00 a.m. C.02-11-032	<b>(TELEPHONIC – PHC)</b> - Stuart L. Posselt, Complainant, vs. Pacific Bell Telephone Company, Defendant, <b>Commission Room 5117, San Francisco</b>
2/10/03 ALJ Thomas Comr Lynch	10:00 a.m. I.02-11-040	<b>(LM)</b> - Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001, <b>Commission Courtroom, San Francisco</b>
2/10/03 ALJ Thorson & ALJ Mattson Comr Wood	10:00 a.m. R.02-11-039	<b>(PHC)</b> - Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session, <b>Commission Courtroom, San Francisco</b>
2/13/03 ALJ Econome Comr Peevey	9:00 a.m. A.02-07-025	<b>(EH)</b> - Application of Bakman Water Company (U 219 W) for Authority to: (1) Remove the Proceeds of Water Contamination Lawsuits From Contributions-In-Aid-of Construction, (2) Increase Rate Base, and (3) Recover Increased Revenue Requirements in Rates, <b>Commission Courtroom, San Francisco</b> <b>(also February 14)</b>
2/13/03 ALJ DeBerry Comr Peevey	10:00 a.m. A.02-04-001	<b>(EH)</b> - In the Matter of the Application of Southern California Water Company for a Certificate of Public Convenience and Necessity Pursuant to Public Utilities Code Section 1001 to Construct an 8.4 MW Natural Gas-Fueled Generator Facility in its Bear Valley Electric Service Division, <b>Commission Courtroom, San Francisco</b> <b>(also February 14)</b>

2/14/03 ALJ Reed Comr Brown	10:00 a.m. A.02-07-039	<b>(PHC)</b> - In the Matter of Application of Pacific Bell Telephone Company (U1001 C) for the Authority Pursuit to Public Utilities Code 851 to Lease Space in Administrative Buildings and Central Offices and to Transfer Assets to SBC Advanced Solutions, Inc., <b>Commission Courtroom, San Francisco</b>
2/18/03 ALJ Bemederfer Comr Wood	9:00 a.m. I.02-11-008	<b>(PHC)</b> - Order Instituting Investigation into Statements By SBC Communications and SBC Pacific Bell Regarding Potential Reductions to Service Quality, <b>Commission Courtroom, San Francisco</b>
2/18/03 ALJ Evans Comr Kennedy	10:00 a.m. A.02-01-004	<b>(EH)</b> - In the Matter of the Application of the KERNAN TELEPHONE CO. (U 10122 C) to Restructure Intrastate Rates and Charges for Telephone Services Furnished Within the State of California, <b>Commission Courtroom, San Francisco</b> <b>(also February 19 – 21 and February 24 – 28)</b>
2/18/03 ALJ Walwyn & ALJ Allen Comr Lynch	10:00 a.m. R.01-10-024	<b>(PHC)</b> - Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development, <b>Commission Courtroom, San Francisco</b>
2/20/03 ALJ Thorson Comr Brown	10:00 a.m. A.02-12-033	<b>(PHC)</b> - Application of PACIFIC GAS AND ELECTRIC COMPANY (U 39 M), a California Corporation, and WILLIAM L. BRICKNER for an Order Authorizing the Sale and Conveyance of a Certain Parcel of Land in Alameda County Pursuant to the Public Utilities Code Section 851, <b>Commission Courtroom, San Francisco</b>
2/24/03 ALJ Wetzell Comr Wood	9:00 a.m. A.02-05-004	<b>(EH)</b> - Application of Southern California Edison Company (U 338-E) For Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2003, And to Reflect That Increase in Rates, and
	I.02-06-002	<b>(EH)</b> - Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Edison Company, <b>Commission Courtroom, San Francisco</b> <b>(also February 25 – 28; March 3 – 4; and May 27 - 30)</b>

<p>2/24/03 ALJ Rosenthal Comr Wood</p>	<p>10:00 a.m. A.02-07-047</p>	<p><b>(EH)</b> - Application of Phuong Transportation, Inc., for authority to operate as a passenger stage corporation between points in Pomona, Westminster, San Gabriel, San Jose, and Oakland, and to establish a Zone of Rate Freedom, <b>Commission Courtroom, State Office Building 320 West 4<sup>th</sup> Street, Suite 500 Los Angeles, CA (also February 25)</b></p>
<p>2/25/03 ALJ O'Donnell Comr Kennedy</p>	<p>10:00 a.m. A.01-03-026</p>	<p><b>(PHC)</b> - In the Matter of the Application of PacifiCorp (U-901-E) for an Order Authorizing an Immediate Interim Rate Increase, Subject to Refund and for Consideration of a Rate Stabilization Plan, <b>Commission Courtroom, San Francisco</b></p>
<p>2/27/03 ALJ Gottstein Comr Lynch</p>	<p>10:00 a.m. A.01-05-003</p>	<p><b>(PHC)</b> - In the matter of the Application of Pacific Gas and Electric Company Annual Earnings Assessment Proceeding (AEAP) for Approval of Energy Efficiency Shareholder Incentives for 2000 Program Year Accomplishments, 2000 Accomplishments for Pre-1998 Programs, Second Claim for Incentives for the 1999 Accomplishments for Pre-1998 Programs, and Third Claim for Incentives for the 1996 Program Year Accomplishments, and</p>
	<p>A.00-05-002</p>	<p><b>(PHC)</b> - In the Matter of the Application of Southern California Gas Company (U904G) for Authority to increase its Gas Revenue Requirements to Reflect its Accomplishments for Demand-Side Management Program Years 1995 and 1997, Energy Efficiency Program Year 1999, and Low-Income Program Years 1998 and 1999 in the 2000 Annual Earnings Assessment Proceeding ("AEAP"), and</p>
	<p>A.00-05-003</p>	<p><b>(PHC)</b> - In the matter of the Application of San Diego Gas &amp; Electric Company for Approval of Incentives Associated With its Accomplishments for Demand-Side Management Program Year 1995, Energy Efficiency Program Year 1999, and Low Income Program Years 1998 and 1999 in the 2000 Annual Earnings Assessment Proceeding ("AEAP"). (U 902-M), and</p>

- A.00-05-004     **(PHC)** - Annual Earnings Assessment Proceeding (AEAP) Application of Pacific Gas and Electric Company for Approval of Energy Efficiency Shareholder Incentives for 1999 Program Year Accomplishments, 1999 Accomplishments for Pre-1998 Programs, Second Claim for Incentives for 1998 Accomplishments for Pre-1998 Programs, and Third Claim for Incentives for the 1995 Program Year Accomplishments. (U 39 M), and
- A.00-05-005     **(PHC)** - Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) for Approval of Energy Efficiency and Low Income Energy Efficiency Performance Incentives for 1999 Program Year Accomplishment, the Second Installment of Demand-Side Management Shareholder Incentives for the 1995 Program Year, and
- A.01-05-009     **(PHC)** - In the Matter of the Application of Southern California Edison Company for Approval of Energy Efficiency and Low Income Energy Efficiency Performance Incentives for 2000 Program Year Accomplishments, the Second Installment of Demand-Side Management and Low Income Shareholder Incentives for the 1999 Program Year, and the Third Installment of Demand-Side Management Shareholder Incentives for the 1996 Program Year. (U 338 –E), and
- A.01-05-017     **(PHC)** - In the Matter of the Application of Southern California Gas Company for Authority to increase its Gas Revenue Requirements to Reflect its Accomplishments for Demand-Side Management Program Years 1996 and 1997, Energy Efficiency Program Year 2000, and Low-Income Program Years 1999 and 2000 in the 2001 Annual Earnings Assessment Proceeding (“AEAP”). (U 904-G), and
- A.01-05-018     **(PHC)** - In the Matter of the Application of San Diego Gas & Electric Company for Approval of Incentives Associated With its Accomplishments for Demand-Side Management Program Year 1996, Energy Efficiency Program Year 2000, Low Income Program Years 1999 and 2000 in the 2001 Annual Earnings Assessment Proceeding (“AEAP”). (U 902-M), and

- A.02-05-002      **(PHC)** - In the Matter of the Application of Southern California Gas Company (U 904-G), for Authority to Increase its Gas Revenue Requirements to Reflect its Accomplishments for Demand-Side Management Program Year 1997, Energy Efficiency Program Year 2001, and Low-Income Program Years 2000 and 2001 in the 2002 Annual Earnings Assessment Proceeding ('AEAP'), and
- A.02-05-003      **(PHC)** - Annual Earnings Assessment Proceeding (AEAP) Application of Pacific Gas and Electric Company for Approval of Energy Efficiency Shareholder Incentives for 2001 Program Year Accomplishments, Second Claim for Incentives for the 2000 Accomplishments for Pre-1998 Programs, and Third Claim for Incentives for 1997 Program Year Accomplishments. (U 39 M), and
- A.02-05-005      **(PHC)** - Application of San Diego Gas & Electric Company (U 902-M), for Approval of Incentives Associated with its Accomplishments for Demand-Side Management Program Years 1997, Energy Efficiency Program Year 2001, Low Income Program Years 2000 and 2001, Demand Response Programs 2001 in the 2002 Annual Earnings Assessment Proceeding ('AEAP'), and
- A.02-05-007      **(PHC)** - Application of Southern California Edison Company (U 338 E) for Approval of Energy Efficiency and Low Income Energy Efficiency Performance Incentives for 2001 Program Year Accomplishments, the Second Installment of Demand-Side Management and Low Income Shareholder Incentives for the 2000 Program Year, and the Third Installment of Demand-Side Management Shareholder Incentives for the 1997 Program Year, and Approval of Interruptible Load Programs Memorandum Account Balances Recorded in 2001,  
**Commission Courtroom, San Francisco**

2/27/03 ALJ Rosenthal Comr Peevey	10:00 a.m. A.02-02-018	<b>(EH)</b> - Application of THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY for an order closing Avenue 13, CPUC Crossing No. 2- 1016.3, D.O.T. No. 028-603-E, at its intersection with Applicant's main track Madera County, California, <b>Commission Courtroom, San Francisco</b> <b>(also February 28)</b>
2/28/03 ALJ Simon Comr Brown	10:00 a.m. C.02-11-053	<b>(PHC)</b> – Pasadena Neighborhood Coalition, Complainant, vs. Altrio Communications, Inc., Defendant, <b>Commission Courtroom, San Francisco</b>
2/28/03 ALJ Barnett	12:00 Noon C.02-12-045	<b>(ECP)</b> – Excel Electronics Co., Inc., Complainant, vs. Pacific Centrex Services, Defendant, <b>Commission Courtroom, State Office Building</b> <b>320 West 4<sup>th</sup> Street, Suite 500</b> <b>Los Angeles, CA</b>
3/4/03 ALJ Barnett Comr Wood	10:00 a.m. A.98-07-003 (Post PX Direct Access Credits)	<b>(EH)</b> - Application of Pacific Gas and Electric Company for Verification, Consolidation, and Approval of Costs and Revenues in the Transition Revenue Account. Hearing Limited to the Petition of Southern California Edison to Modify D.02-07-032, <b>Commission Courtroom, San Francisco</b> <b>(also March 5)</b>
3/4/03 ALJ Evans Comr Kennedy	10:00 a.m. A.02-07-021	<b>(EH)</b> - In the Matter of the Application of Southern California Water Company (U 133 W) for an Order pursuant to Public Utilities Code Section 851 Approving a Settlement Agreement that will Convey Water Rights in the Culver City Customer Service Area, <b>Commission Courtroom, San Francisco</b> <b>(also March 5 – 7)</b>
3/17/03 ALJ Thorson & ALJ Mattson Comr Wood	9:00 a.m. – 1:00 p.m. R.02-11-039	<b>(WS)</b> - Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session, <b>Commission Auditorium, San Francisco</b>

3/17/03 ALJ Bushey Comr Brown	10:00 a.m. A.01-09-012	<b>(EH)</b> - In the Matter of the Application of the City of San Diego for an order authorizing modification of an existing at-grade crossing on three light rail vehicle tracks and one heavy rail track of the Metropolitan Transit Development Board, and one heavy rail track of the Burlington Northern and Santa Fe Railway Company, at Park Boulevard, in the City of San Diego, San Diego County, California, <b>Commission Courtroom, San Francisco</b> <b>(also March 18 - 21)</b>
3/17/03 ALJ Grau Comr Brown	10:00 a.m. A.02-11-048	<b>(EH)</b> - In the matter of the Application of Great Oaks Water Company (U 162-W) for an Order authorizing it to increase rates for water service for its total service area, <b>Commission Courtroom, San Francisco</b> <b>(also March 18 – 21)</b>
3/19/03 ALJ Pulsifer Comr Wood Comr Brown	10:00 a.m. R.02-01-011	<b>(PHC)</b> - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060, <b>Commission Courtroom, San Francisco</b>
3/20/03 ALJ Rosenthal Comr Peevey	10:00 a.m. A.02-05-054	<b>(EH)</b> - Application of the City of WEST SACRAMENTO for an Order authorizing construction of a crossing at grade between Lake Washington Boulevard and the tracks on the Yolo Shortline Railroad Company, <b>Commission Courtroom, San Francisco</b> <b>(also March 21)</b>
3/20/03 ALJ Barnett Comr Peevey	10:00 a.m. C.01-06-040	<b>(EH)</b> - Dr. Augusto Baronio Martins, Complainant, vs. Cingular Wireless (formerly known as Pacific Bell Wireless), Defendant, <b>Commission Courtroom, San Francisco</b>
3/21/03 ALJ Barnett Comr Brown	10:00 a.m. A.03-01-019	<b>(PHC)</b> - Application of Southern California Edison Company (U 338-E) for Authority to Lower And Adjust Retail Electric Rates For All Customer Classes Upon Completion of Full Recovery of Procurement Related Obligations Account (PROACT). <b>Commission Courtroom, San Francisco</b>



3/24/03 ALJ McVicar Comr Wood	9:30 a.m. A.02-09-030	(EH) - In the Matter of the Application of the CALIFORNIA-AMERICAN WATER COMPANY (U 210 W) for an order authorizing it to increase its rates for water service in its Sacramento District to increase revenues by \$8,198,700 in the year 2003; and \$1,955,000 in the year 2004, and
	A.02-09-031	(EH) - In the Matter of the Application of the CALIFORNIA-AMERICAN WATER COMPANY (U 210 W) for an order authorizing it to increase its rates for water service in its Larkfield District to increase revenues by \$512,800 in the year 2003; and \$96,900 in the year 2004, and
	A.02-09-032	(EH) - In the Matter of the Application of the CALIFORNIA-AMERICAN WATER COMPANY (U 210 W) for an order authorizing it to increase its rates for water service in its Felton District to increase revenues by \$410,200 in the year 2003; \$101,200 in 2004; and \$31,000 in the year 2005, and
	A.02-09-033	(EH) - In the Matter of the Application of the CALIFORNIA-AMERICAN WATER COMPANY (U 210 W) for an order authorizing it to increase its rates for water service in its Montara District to increase revenues by \$234,200 in the year 2003; \$38,200 in 2004; and \$45,000 in the year 2005, <b>Commission Courtroom, San Francisco</b> <b>(also March 25 – 28 and April 1 – 4)</b>
3/24/03 ALJ Pulsifer Comr Wood Comr Brown	9:30 a.m. R.02-01-011	(EH) - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060, <b>Commission Courtroom, San Francisco</b> <b>(also March 25 – 28)</b>
3/25/03 ALJ Simon Comr Wood	10:00 a.m. C.02-07-020	(EH) - City Of Delano, Complainant, vs. Union Pacific Railroad Company, Defendant, <b>Commission Courtroom, San Francisco</b> <b>(also March 26 – 27 at 9:00 a.m.)</b>

4/1/03 ALJ Vieth Comr Wood	9:00 a.m. I.02-06-003	<b>(EH)</b> - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, U-3060, U-4135 and U-4314, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers, <b>Commission Courtroom, San Francisco</b> <b>(also April 2 - 4 and April 7 - 11)</b>
4/1/03 ALJ Wong Comr Lynch	10:00 a.m. A.01-10-011	<b>(EH)</b> - Application of Pacific Gas and Electric Company Proposing a Market Structure and Rules for the Northern California Natural Gas Industry for the Period Beginning January 1, 2003 as Required by Commission Decision 01-09-016. (U 39 G), <b>Commission Courtroom, San Francisco</b> <b>(also April 2 – 4; April 7; and April 8 - 10 if needed at 9:00 a.m.)</b>
4/9/03 ALJ Barnett Comr Lynch	10:00 a.m. A.01-06-041	<b>(EH)</b> - In the Matter of the Application of SIERRA PACIFIC POWER COMPANY (U-903-E) for an Order Authorizing an Immediate Interim Rate Increase, Subject to Refund, and for Consideration of a Rate Stabilization Plan, <b>Commission Courtroom, San Francisco</b> <b>(also April 10 - 11)</b>
4/9/03 ALJ Galvin Comr Wood	2:00 p.m. & 7:00 p.m. A.02-11-021	<b>(PPH)</b> - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the ANTELOPE VALLEY district by \$60,300, or 5.8%, in 2003, by \$130,600 or 11.8%, in 2004, by \$126,900, or 10.2%, in 2005, and \$127,500, or 9.3% in 2006, <b>Lancaster City Hall Council Chamber</b> <b>44933 N. Fern Avenue</b> <b>Lancaster, CA</b>

4/10/03	2:00 p.m.	<b>(PPH)</b> - In the Matter of the Application of <b>CALIFORNIA WATER SERVICE COMPANY</b> (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the KERN RIVER VALLEY district by \$913,200, or 46.9%, in 2003, by \$148,800 or 5.3%, in 2004, by \$137,500, or 4.6%, in 2005, and \$139,000, or 4.4% in 2006, <b>Moose Lodge</b> <b>6732 Lake Isabella Blvd</b> <b>Lake Isabella, CA</b>
ALJ Galvin	&	
Comr Wood	7:00 p.m. A.02-11-022	
4/23/03	7:00 p.m.	<b>(PPH)</b> - In the Matter of the Application of <b>CALIFORNIA WATER SERVICE COMPANY</b> (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the REDWOOD VALLEY district by \$566,100, or 78.3%, in 2003, by \$205,600 or 16.0%, in 2004, by \$200,300, or 13.4%, in 2005, and \$201,000, or 11.9% in 2006, <b>Guerneville School District /</b> <b>Guerneville Elementary School</b> <b>Multi Purpose Room</b> <b>14630 Armstrong Woods Road</b> <b>Guerneville, CA</b>
ALJ Econome	A.02-11-020	
Comr Wood		
<b>Also:</b>		
	4/24/03	<b>Lucerne Alpine Senior Center</b>
	2:00 p.m. &	<b>10<sup>th</sup> &amp; County Club Drive</b>
	7:00 p.m.	<b>Lucerne, CA</b>
4/28/03	9:00 a.m.	<b>(EH)</b> - Telscape Communications, Inc. (U-6589-C), Complainant, vs. Pacific Bell Telephone Company (U-1001-C), Defendant, <b>Commission Courtroom, San Francisco</b> <b>(also April 29 – May 2)</b>
ALJ Simon	C.02-11-011	
Comr Brown		
4/28/03	10:00 a.m.	<b>(EH)</b> - Order Instituting Rulemaking on the Commission's Own Motion to Assess and Revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated, and
ALJ Kenney	R.01-09-001	
Comr Lynch		

	I.01-09-002	(EH) - Order Instituting Investigation on the Commission's Own Motion to Assess and Revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated, <b>Commission Courtroom, San Francisco</b> (also April 29 – May 2, May 5 - 9, and May 12 - 13 at 9:00 a.m.)
4/28/03 ALJ Brown Comr Lynch	10:00 a.m. R.02-06-041	(EH) - Order Instituting Rulemaking to Require California Natural Gas and Electric Utilities to Preserve Interstate Pipeline Capacity to California, <b>Commission Courtroom, San Francisco</b> (also April 29 – May 2)
4/29/03 ALJ Barnett Comr Wood	10:00 a.m. C.01-01-032	(EH) - ENRON ENERGY SERVICES, INC. and ENRON ENERGY MARKETING CORP., Complainants, vs. PACIFIC GAS AND ELECTRIC COMPANY, Defendant, and
	C.01-01-051	(EH) - APS ENERGY SERVICES COMPANY, INC., Complainant, vs. PACIFIC GAS AND ELECTRIC COMPANY, Defendant, and
	C.01-03-001	(EH) - ABAG PUBLICLY OWNED ENERGY RESOURCES, Complainant, vs. PACIFIC GAS AND ELECTRIC COMPANY, Defendant, and
	C.01-09-011	(EH) - Enron Energy Services, Inc. and Enron Energy Marketing Corp., Complainants, vs. Pacific Gas and Electric Company, Defendant, <b>Commission Courtroom, San Francisco</b>
5/5/03 ALJ Rosenthal Comr Kennedy	10:00 a.m. A.02-08-006	(EH) - Application of Union Pacific Railroad Company for An Order Declaring and Adjudicating the Legal Status of the Cal Poly Crossing at Milepost 246.9 in the City of San Luis Obispo and County of San Luis Obispo, State of California, the Necessity for Keeping the Crossing Open, and the Need for Safety Improvements and Apportionment of Costs, <b>San Luis Obispo City / County Library</b> <b>Library Community Room</b> <b>995 Palm Street</b> <b>San Luis Obispo, CA</b> (also May 6 – 9)

5/6/03	10:00 a.m.	(EH) - In the Matter of the Application of
ALJ Galvin	A.02-11-021	CALIFORNIA WATER SERVICE COMPANY
Comr Wood		(U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the ANTELOPE VALLEY district by \$60,300, or 5.8%, in 2003, by \$130,600 or 11.8%, in 2004, by \$126,900, or 10.2%, in 2005, and \$127,500, or 9.3% in 2006, and
	A.02-11-022	(EH) - In the Matter of the Application of
		CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the KERN RIVER VALLEY district by \$913,200, or 46.9%, in 2003, by \$148,800 or 5.3%, in 2004, by \$137,500, or 4.6%, in 2005, and \$139,000, or 4.4% in 2006,
		<b>Commission Courtroom, San Francisco</b>
		<b>(also May 7 – 9 as needed)</b>
5/12/03	10:00 a.m.	(EH) - In the matter of the Application of the
ALJ Fukutome	A.02-11-007	<b>SOUTHERN CALIFORNIA WATER COMPANY</b>
Comr Peevey		(U 133 W) for an order authorizing it to increase rates for water service by \$19,826,100 or 29.72% in 2003; by \$6,327,800 or 7.31% in 2004; and by \$6,326,200 or 6.81% in 2005 in its Region III Service Area and increased rates for the General Office Allocation in all of its Customer Service Areas in this Application including: Arden-Cordova, Bay Point, Clearlake, Los Osos, Ojai, Santa Maria, Simi Valley and Metropolitan,
		<b>Commission Courtroom, San Francisco</b>
		<b>(also May 13 – 16)</b>
5/12/03	10:00 a.m.	(EH) - Order Instituting Investigation into
ALJ Gottstein	I.00-11-001	implementation of Assembly Bill 970 regarding the
Comr Lynch		identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply,
		<b>Commission Courtroom, San Francisco</b>
		<b>(also May 13 – 16)</b>

5/21/03	9:30 a.m.	<b>(PHC)</b> - Application of Pacific Gas and Electric Company for Authority, Among Other Things, To Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003. (U 39 M), and
ALJ Cooke	A.02-11-017	
Comr Peevey		
	I.03-01-012	<b>(PHC)</b> - Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company, and
	A.02-09-005	<b>(PHC)</b> - Application of Pacific Gas and Electric Company Pursuant to Resolution E-3770 for Reimbursement of Costs Associated with Delay in Implementation of PG&E's New Customer Information System Caused by the 2002 20/20 Customer Rebate Program. (U 39 E), <b>Commission Courtroom, San Francisco</b>
5/27/03	9:00 a.m.	<b>(EH)</b> - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the REDWOOD VALLEY district by \$566,100, or 78.3%, in 2003, by \$205,600 or 16.0%, in 2004, by \$200,300, or 13.4%, in 2005, and \$201,000, or 11.9% in 2006, <b>Commission Courtroom, San Francisco</b> <b>(also May 28 – 30)</b>
ALJ Econome	A.02-11-020	
Comr Wood		
5/28/03	9:00 a.m.	<b>(EH)</b> - Application of Pacific Gas and Electric Company for Authority, Among Other Things, To Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003. (U 39 M), and
ALJ Cooke	A.02-11-017	
Comr Peevey		
	I.03-01-012	<b>(EH)</b> - Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company, and

	A.02-09-005	<b>(EH)</b> - Application of Pacific Gas and Electric Company Pursuant to Resolution E-3770 for Reimbursement of Costs Associated with Delay in Implementation of PG&E's New Customer Information System Caused by the 2002 20/20 Customer Rebate Program. (U 39 E), <b>Commission Courtroom, San Francisco</b> <b>(also May 29 – 30; June 2 – 6; June 9 – 13; June 16 – 20; June 30 – July 3; July 7 – 11; July 14 – 18; and July 21 – 25)</b>
6/30/03 ALJ Walwyn Comr Lynch	10:00 a.m. R.01-10-024	<b>(EH)</b> - Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development, <b>Commission Courtroom, San Francisco</b> <b>(also July 1 – 3; July 7 – 11; and July 14 – 18)</b>
9/30/03 ALJ Barnett Comr Wood	2:00 p.m. A.02-05-004	<b>(PHC)</b> - Application of Southern California Edison Company (U 338-E) For Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2003, And to Reflect That Increase in Rates, and
	I.02-06-002 <b>PHASE 2</b>	<b>(PHC)</b> - Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Edison Company, <b>Commission Courtroom, San Francisco</b>
10/7/03 ALJ Barnett Comr Wood	10:00 a.m. A.02-05-004	<b>(EH)</b> - Application of Southern California Edison Company (U 338-E) For Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2003, And to Reflect That Increase in Rates, and
	I.02-06-002 <b>PHASE 2</b>	<b>(EH)</b> - Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Edison Company, <b>Commission Courtroom, San Francisco</b> <b>(also October 8 – 10; October 14 – 17; October 20 – 23; October 27 – 30; and November 3 – 6)</b>

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**NOTICE OF DENIAL OF REQUEST FOR EX PARTE MEETING**

*On September 20, 1996, the Commission adopted Resolution ALJ 169 regarding the "Filing of Notice of Denial of Request for Ex Parte Meeting." The resolution implements an interim procedure whereby a party whose written request for an ex parte meeting with a Commissioner has been denied will be allowed to file a notice of such denial. Copies of Resolution ALJ 169 are available from the Commission's Central Files Office at 505 Van Ness Avenue, Room 2002, San Francisco; telephone (415) 703-2045. **Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.***

NONE

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**NOTICE OF ALL-PARTY MEETINGS (PU Code § 1701.3(c))**

**All-Party Meeting – I.00-11-001**

February 11, 2003  
2:30 p.m. – 3:30 pm

California Public Utilities Commission  
505 Van Ness Avenue, Hearing Room "E"  
San Francisco

There will be an all-party meeting with Commissioner Carl Wood, Steve Weissman, Advisor to Commissioner Wood, to discuss ***The Transmission Constraints*** investigation proceeding. All parties are invited to meet with Commissioner Wood on this matter. No individual meetings will be granted.

All participants must provide Commissioner Wood's office with the names of individuals who will be participating, their affiliation, and telephone/fax number to be reached in the event of changes to this meeting. Please contact Dolores Montellano at (415) 703-2240 or e-mail her at dmm@cpuc.ca.gov NO LATER than noon on, Monday, February 10, 2003, so that there is adequate time to advise the Commissioner's office of the attendees.

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**NOTICE OF EX PARTE COMMUNICATIONS**

*Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.*

1/29/03	R01-09-001	Order instituting rulemaking on the Commission's own motion to assess and revise the new Regulatory Framework for Pacific Bell and Verizon California Incorporated.
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I01-09-002      Order instituting investigation on the Commission's own motion to assess and revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated.

**Summary:** On January 17, 2003, Cynthia Marshall, Senior Vice President, Regulatory & Constituency Relations, Pacific Bell Telephone Company (SBC California), sent a letter (attached to the notice) to Pres. Peevey, Cmmr. Brown, Cmmr. Kennedy, Cmmr. Lynch, Cmmr. Wood, Lester Wong, advisor to Pres. Peevey, Jonathan Lakritz, advisor to Cmmr. Wood, Tom Long, advisor to Cmmr. Lynch, and Robert Wullenjohn, advisor to Cmmr. Brown. The letter refers to the Office of Ratepayer Advocates' complaint against SBC California (C00-11-018) and concerns the interval to restore service for residence customers. The letter described SBC California's improvements of its out of service intervals.

**Filer: Pacific Bell Telephone Company**

**Contact: Claudia Barros**

**Phone: (415) 542-3820**

1/29/03      A02-03-059      Pacific Bell Telephone Company (U 1001-C), for Arbitration with Pac-West Telecomm, Inc. (U 5266-C) pursuant to Section 252(b) of the Telecommunications Act of 1996.

**Summary:** On January 24, 2003, Pac-West Telecomm, Inc. (Pac-West), provided to Robert Wullenjohn, advisor to Cmmr. Brown, a copy of its Statement on the Standards for Approval of Section 252 Interconnection Agreements, filed November 26, 2002 in this proceeding. On January 28, 2003, Pac-West provided Robert Wullenjohn with a copy of the Federal Communications Commission's Wireline Competition Bureau's Memorandum Opinion and Order. On the same date, January 28, 2003, John Sumpter, Vice-President-Regulatory for Pac-West, met with Cmmr. Brown in San Francisco. Also present were Robert Wullenjohn and Ethan Sprague, Pac-West's Director Regulatory. Written materials (attached to the notice) were used. Sumpter and Sprague discussed the sole remaining disputed issue related to SBC charging Pac-West for certain local calls. Sumpter stated that federal law does not allow originating carriers to charge terminating carriers for local calls. Sumpter further explained that it was not currently possible to distinguish between disparately rated/routed calls and so-called VNXX calls. Sumpter also noted that it is not possible to implement a compensation plan that requires distinguishing between such calls.

**Filer: Pac-West Telecomm, Inc.**

**Contact: Shannon Roberts**

**Phone: (415) 268-7034**

1/29/03      R02-01-011      Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.

**Summary:** On January 24, 2003, Randall W. Keen of Manatt, Phelps & Phillips, LLP, representing the City of Corona (City), spoke on the telephone with Lynne McGhee, advisor to Cmmr. Kennedy. In the telephone conversation also participated Kelly Boyd of Manatt, Phelps & Phillips, LLP. Keen and Boyd discussed the City's ESP service, the amount of electricity the City supplies to its direct access (DA) customers, the fact that the only DA customers served by the City outside of the City are public sector customers, and the cost savings that the City has been able to provide to the public sector.

**Filer: City of Corona**

**Contact: Randall W. Keen**

**Phone: (310) 312-4361**

1/30/03	I93-04-002	Commission Order Instituting Investigation on the Commission's own motion into open access and network architecture development of dominant carrier networks.
	R93-04-003	Commission Order Instituting Rulemaking on Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.

**Summary:** On January 28, 2003, Steve Bowen, counsel for WorldCom, Inc. (WorldCom), attended an all-party meeting with Cmmr. Kennedy in San Francisco. Also present were Cmmr. Wood, Tim Sullivan, advisor to Cmmr. Kennedy, Robert Wullenjohn, advisor to Cmmr. Brown, Lester Wong, advisor to Pres. Peevey, Bill Johnston, Office of Ratepayer Advocates, Bill Cobb, Senior Counsel, and Chuck McMinn, Chairman, Covad Communications Company, Randall Deutsch and Rose Johnson, counsel for AT&T, Eric Heath, counsel for Sprint, Jenny Wong, Director for Regulatory Affairs, Verizon California, David Discher and Jim Young, counsel for SBC Pacific, and Regina Costa, Regulatory Director, and Bill Nusbaum, Counsel, for The Utility Reform Network. Bowen argued in support of the zero monthly recurring charge for the high frequency portion of the loop (HFPL) for both SBC Pacific and Verizon California. Bowen also argued that the Commission should view line splitting as line sharing's equivalent when setting the HFPL rate. Bowen also noted that SBC Pacific's desire to use the HFPL to subsidize its loop costs was expressly prohibited by prior Commission decisions.

**Filer: WorldCom, Inc.**

**Contact: Camille Estes**

**Phone: (415) 394-7500**

**Summary:** On January 27, 2003, Chuck McMinn, Chairman of the Board, Covad Communications Company (Covad), met with Cmmr. Lynch, and Tim Sullivan, advisor to Cmmr. Keenedy, in two separate meetings in San Francisco. On the next day, January 28, 2003, Chuck McMinn met with Cmmr. Wood and participated in an all-party meeting with Cmmr. Kennedy. At the meeting with Cmmr. Lynch, also present was Trina Horner, advisor to Cmmr. Lynch; at the all-party meeting also present were

Tim Sullivan, advisor to Cmmr. Kennedy, Cmmr. Wood, Robert Wullenjohn, advisor to Cmmr. Wood, Lester Wong, advisor to Pres. Peevey, Bill Johnston for the Office of Ratepayer Advocates, Steve Bowen, counsel for WorldCom, Inc., Randall Deutsch and Rose Johnson, counsel for AT&T Communications of California, Inc., Eric Heath, counsel for Sprint, Jenny Wong, Verizon's Director for Regulatory Affairs, David Discher and Jim Young, counsel for SBC Pacific, Regina Costa, Regulatory Director, and Bill Nusbaum, counsel, for The Utility Reform Network. William J. Cobb III, Covad's Senior Counsel, participated in all four meetings. Written materials (attached to the notice) were used. Covad representatives stated Covad's support for the zero monthly recurring charge for the high frequency portion of the loop for Verizon California Inc. proposed in Cmmr. Brown's alternate and explained the errors of law in the ALJ's proposed decision.

**Filer: Covad Communications Company**

**Contact: Camille Estes**

**Phone: (415) 394-7500**

1/30/03	A01-09-040	Clear World Communications Corporation, for a Certificate of Public Convenience and Necessity to Operate as a Provider of Resold Local Exchange Telecommunications Service within the State of California.
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**Summary: AUGMENTATION REQUIRED.** On January 27, 2003, Christopher Witteman, counsel for the Consumer Protection and Safety Division (CPSD) met with Jonathan Lakritz, advisor to Cmmr. Wood, and Trina Horner, advisor to Cmmr. Lynch, in two separate meetings in San Francisco. At the meeting with Trina Horner, copies of Witteman's April 18, 2002 letter to ALJ O'Donnell and David Simpson's February 19, 2002 letter to Jack Leutza were used. Witteman indicated that CPSD believed that ALJ's proposed decision was correct, and that the evidence supported a finding that Clear World's officers and directors were unfit for public utility service. In the meeting with Trina Horner, Witteman additionally pointed out that an Order to Show Cause was appropriate in this context and consistent with past Commission decisions.

**Filer: Consumer Protection and Safety Division - Witteman**

**Contact: Christopher Witteman**

**Phone: (415) 355-5524**

1/30/03	A02-05-013	Valencia Water Company (U 342-W), for an order Authorizing it to Increase rates charged for water service in order to Realize Increased Annual Revenues of \$2,496,685 or 17.33% in test year 2003; of \$143,286 or 0.83% in test year 2004; and \$43,439 or 0.24% in Attrition year 2005; to Apply a Surcharge calculated to Generate a further sum of \$614,737 in Year 2003 Revenues; to Establish a Low Income Ratepayer Assistance Program, and to make Further Changes and Additions to its tariff for Water Service.
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**Summary:** On January 29, 2003, Martin Mattes of Nossaman, Guthner, Knox & Elliott, LLP, counsel for Valencia Water Company, transmitted an electronic message (attached to the notice) to ALJ Bushey.

**Filer: Valencia Water Company**

**Contact: Jeannie Wong**

**Phone: (415) 438-7250**

1/30/03            R02-01-011            Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.

**Summary:** On January 27, 2003, Mark Ward, Regulatory Projects Manager, San Diego Gas & Electric Company (SDG&E), met with Cmmr. Brown in an all-party meeting in San Francisco. Also present were David Gamson, advisor to Cmmr. Brown, Julie Fitch, advisor to Pres. Peevey, Manuel Ramirez, advisor to Cmmr. Wood, Lynne McGhee, advisor to Cmmr. Kennedy, Paul Szymanski attorney for Sempra Energy, Billy Blattner, CPUC Relations Manager, Sempra Energy Utilities. A list of additional participants was maintained by Cmmr. Brown's office. Ward stated that SDG&E agrees that customer generation departing load should not the Department of Water Resources (DWR) forward power costs but opposes the settlement because it provides for an unjustified discounted DWR bond charge (72%) to settling parties. Ward urged the Commission to reject the settlement to avoid shifting costs to bundled customers. Ward noted that SDG&E is supportive of distributed generation but that policy changes should occur by legislation, not by settlement. Ward emphasized that the reserves are part and parcel of the bond issues. Szymanski concluded that the settlement is not in the public interest nor consistent with the law.

**Filer: Sempra Energy Utilities**

**Contact: Renee Le Camus**

**Phone: (415) 202-9986**

1/31/03            R93-04-003            Commission Order Instituting Rulemaking on Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks and

                         I93-04-002            Commission Order Instituting Investigation on the Commission's own motion into open access and network architecture development of dominant carrier networks.

**Summary: AUGMENTATION REQUIRED.** On January 28, 2003, Sprint Communications Company, L.P. attended an all-party meeting with Cmmr. Kennedy in San Francisco. Also present was Cmmr. Wood, as well as representatives from Verizon, SBC California, Covad, WorldCom, and AT&T. The participants discussed the revised draft decision and the alternate of the HFPL rate as well as the impact of these decisions on telecommunications infrastructure, future investment, and the availability of DSL

services.

**Filer: Sprint Communications Company L.P.**

**Contact: Kathy McMahon**

**Phone: (415) 371-7181**

**Summary:** On January 28, 2003, David Discher, General Attorney, Pacific Bell Telephone Company (SBC California), met with Cmmr. Kennedy in an all-party meeting in San Francisco. Also present were Cmmr. Wood, Tim Sullivan, advisor to Cmmr. Kennedy, Robert Wullenjohn, advisor to Cmmr. Brown, Lester Wong, advisor to Pres. Peevey, Bill Cobb III, Senior Counsel, and Chuck McMinn, Chairman, for Covad, Stephen Bowen, Counsel for MCI, Randall Deutsch, Counsel for AT&T, Jennie Wong, for Verizon, and Regina Costa, for The Utility Reform Network. Written materials (attached to the notice) were used. Discher explained that the development of new products and services was a new regulatory framework principle and that a zero price was not in keeping with that principle. Discher stated that the Commission should not act on the draft decision at this time, because, as a matter of law, the HFPL is no longer a UNE and therefore there is no longer a basis for the determining a price for the HFPL. Discher also stated that no impairment analysis has been performed; there is no record for such an analysis; and there is no basis to find the HFPL a UNE.

**Filer: Pacific Bell Telephone Company**

**Contact: Claudia Barros**

**Phone: (415) 542-3820**

1/31/03	R01-10-024	Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development.
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**Summary: AUGMENTATION REQUIRED.** On January 28, 2003, Joseph E. Ronan, Senior Vice President of Government and Regulatory Affairs, Calpine Corporation (Calpine), met with Julie Fitch, advisor to Pres. Peevey, in San Francisco. Also present were David Gamson, advisor to Cmmr. Brown, and Steven F. Greenwald, counsel to Calpine. Calpine representatives discussed the status of the procurement process.

**Filer: Calpine Corporation**

**Contact: Judy Pau**

**Phone: (415) 276-6587**

1/31/03	C02-07-044	The Utility Consumers' Action Network (UCAN) vs Pacific Bell Telephone Company (U 1001-C), AOL-Time Warner Inc., and DOES 1-100 for the following orders: (1) that defendant, Pacific Bell, cease and desist from every violation alleged in paragraphs 15 and 16 of this complaint upon receipt hereof; (2) that defendant, Pacific Bell, undertake such steps as are necessary to improve its switching system so that errors do not occur; (3) that defendant, AOL-Time Warner, cease causing customers modems from dialing numbers other than those that the user directs;
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(4) that both named defendants make and pay any and all reimbursements and penalties available under Code Sections 2107, 2108 and 2113; (5) that both named defendants pay commensurate punitive damages upon a finding of intentional misconduct; and (6) for all other remedies and penalties and costs as the Commission may determine is just and equitable.

**Summary: LATE FILED.** On January 17, 2003, John E. Villafranco, counsel for AOL-Time Warner, Inc., sent a letter (attached to the notice) to ALJ Walker. In the letter, Villafranco stated that the New York Attorney General investigation has concluded and that AOL was not found to be at fault for the toll charges incurred by the New York customers.

**Filer: AOL-Time Warner, Inc.**

**Contact: Steven P. Burke**

**Phone: (415) 781-7900**

1/31/03          R02-01-011          Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.

**Summary:** On January 27, 2002, Edward W. O'Neill, counsel for the California Solar Energy Industries Association, attended an all-party meeting with Cmmr. Brown in San Francisco. Also present were David Gamson, advisor to Cmmr. Brown, Gordon Handelsman of Shell Solar, Kari Smith, Manager of Regulatory Affairs of PowerLight Corporation, and other attendees listed on the attachment to the notice. Handelsman stated that California policy has long supported renewable energy through legislation and incentive programs and that these policies and programs should not be undermined through the imposition of exit fees. Handelsman further stated that there is no equitable or economic justification for imposing such fees since customers who invest in solar generation provide numerous long-term benefits to all ratepayers and the cost that would be imposed on other customers if renewable generation is exempt from exit fees would be minuscule. O'Neill added that the impact on rates of customers who do not install their own generation would be much less if the Commission limited the exemption from exit fees to customers who install renewable generation. Smith added that most customers who install solar generating facilities do so to meet only a small percentage of their electric requirements and generally draw up to 90% of their requirements from the utility grid. Smith explained that, as a result, such customers will continue to pay all of the same fees and charges for Department of Water Resources-related and utility-related generation costs as other bundled service customers.

**Filer: California Solar Energy Industries Association**

**Contact: Judy Pau**

**Phone: (415) 276-6587**